

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of:

Scott Adams et al.

Application No.: 10/766,087

Filed: January 27, 2004

For: ELECTROSTATIC ACTUATOR FOR
MICROELECTROMECHANICAL
SYSTEMS AND METHODS OF
FABRICATION

Divisional of:

Application No.: 09/775,491

Filed: February 2, 2001



Examiner: Culbert, Roberts P.

Art Unit: 1763

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

on December 27, 2005
Date of Deposit

Christopher P. Marshall

Name of Person Mailing Correspondence

Christopher P. Marshall

12/27/2005

Signature

Date

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CROSS-REFERENCE UNDER 37 C.F.R. § 1.78(a)(2) TO RELATED
APPLICATIONS

Sir:

Pursuant to 37 C.F.R. § 1.78(a)(2), applicants hereby cross-reference the following related patents and patent applications:

- (1) a U.S. patent application no. 09/775,491, filed February 2, 2001, entitled Electrostatic Actuator for Microelectromechanical Systems, which issued as U.S. Patent No. 6,753,638 B2 on June 22, 2004, and which claims the benefit of provisional application no. 60/179,912, filed February 3, 2000;

(2) a U.S. patent application no 10/766,720, filed January 27, 2004,
entitled Electrostatic Actuator for Microelectromechanical Systems and Methods
of Fabrication, which is still pending.

If there are any charges not covered by any checks submitted, please
charge Deposit Account No. 02-2666.

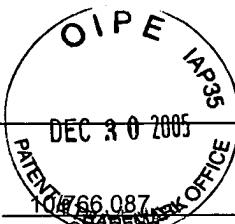
Respectfully submitted,

Blakely, Sokoloff, Taylor & Zafman LLP

Date: January 27, 2005

Lester J. Vincent
Lester J. Vincent
Reg. No. 31,460

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
(408) 720-8300

AMENDMENT TRANSMITTALPATENT

Application No.: 11/1766,087
Filing Date: January 27, 2004
First Named Inventor Scott Adams
Examiner's Name: Culbert, Roberts P.
Art Unit: 1763
Attorney Docket No.: 4341P053D

An Amendment After Final Action (37 CFR 1.116) is attached and applicant(s) request expedited action.

Charge any fee not covered by any check submitted to Deposit Account No. 02-2666.

Applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 CFR 1.16 and 1.17, for any concurrent or future reply to Deposit Account No. 02-2666.

Applicant(s) claim small entity status (37 CFR 1.27).

ATTACHMENTS

Preliminary Amendment

Amendment/Response with respect to Office Action

Amendment/Response After Final Action (37 CFR 1.116) (reminder: consider filing a Notice of Appeal)

Notice of Appeal

RCE (Request for Continued Examination)

Supplemental Declaration

Terminal Disclaimer (reminder: if executed by an attorney, the attorney must be properly of record)

Information Disclosure Statement (IDS)

Copies of IDS citations

Petition for Extension of Time

Fee Transmittal Document (that includes a fee calculation based on the type and number of claims)

Cross-Reference to Related Application(s)

Certified Copy of Priority Document

Other: _____

Other: _____

Check(s)

Postcard (Return Receipt)

SUBMITTED BY:

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

TYPED OR PRINTED NAME: Lester J. Vincent

SIGNATURE:

REG. NO.: 31,460

DATE: December 27, 2005

ADDRESS: 12400 Wilshire Boulevard, Seventh Floor

Los Angeles, California 90025

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CERTIFICATE OF MAILING BY FIRST CLASS MAIL (if applicable)

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12/27/2005

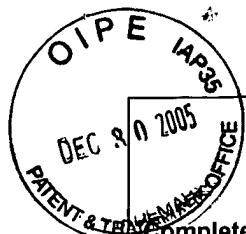
Signature

Date

Express Mail Label No. (if applicable): _____

(10/14/03)

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FEE TRANSMITTAL FOR FY 2005

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

TOTAL AMOUNT OF PAYMENT (\$) 1,020.00

Complete if Known:

Application No. 10/766,087
 Filing Date January 27, 2004
 First Named Inventor Scott Adams
 Examiner Name Culbert, Robert P.
 Art Unit 1763
 Attorney Docket No. 4341P053D

 Applicant claims small entity status. See 37 CFR 1.27.

METHOD OF PAYMENT (check all that apply)

Check _____ Credit Card _____ Money Order _____ None _____ Other (please identify) _____

Deposit Account

Deposit Account Number : 02-2666

Deposit Account Name: _____

The Director is Authorized to do the following with respect to the above-identified Deposit Account:

Charge fee(s) indicated below.

Charge any additional fee(s) or underpayment of fee(s) during the pendency of this application.

Charge fee(s) indicated below except for the filing fee

Credit any overpayments.

Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.

Warning: Information on this form may become public. Credit card information should not be included on this form.
 Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>	<u>Fees Paid (\$)</u>
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1011	300	2011	150	Utility application filing fee	1,000/500
1111	500	2111	250	Utility search fee	
1311	200	2311	100	Utility examination fee	
1012	200	2012	100	Design application filing fee	430/215
1112	100	2112	50	Design search fee	
1312	130	2312	65	Design examination fee	
1013	200	2013	100	Plant filing fee	660/330
1113	300	2113	150	Plant search fee	
1313	160	2313	80	Plant examination fee	
1004	300	2004	150	Reissue filing fee	1,400/700
1114	500	2114	250	Reissue search fee	
1314	600	2314	300	Reissue examination fee	
1005	200	2005	100	Provisional application filing fee	_____

SUBTOTAL (1) \$ 0.00

2. EXCESS CLAIM FEES

				<u>Extra Claims</u>	<u>Fee from below</u>	<u>Fees Paid (\$)</u>
Total Claims	<u>28</u>	- 20 or 41 =	<u>0</u>	X	<u> </u>	<u>0.00</u>
HP = highest number of total claims paid for, if greater than 20						
Independent Claims	<u>4</u>	- 3 or 8 =	<u>0</u>	X	<u> </u>	<u>0.00</u>
HP = highest number of independent claims paid for, if greater than 3						
Multiple Dependent Claims					<u> </u>	<u> </u>
Large Entity	Small Entity					
Fee	Fee	Fee	Fee			
Code	(\$)	Code	(\$)	Fee Description		
1202	50	2202	25	Each claim over 20		
1201	200	2201	100	Each independent claim over 3		
1203	360	2203	180	Multiple dependent claims, if not paid		
1204	200	2204	100	Reissue: each claim over 20 and more than in the original patent		
1205	50	2205	25	Reissue: each independent claim more than in the original patent		
SUBTOTAL (2) \$ 0.00						

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each add'l 50 or fraction thereof</u>	<u>Fee from below</u>	<u>Fees paid (\$)</u>
_____	— 100 = _____ / 50 = _____ (round up to whole number)	X _____		
Large Entity	Small Entity			
Fee	Fee	Fee	Fee	Fee Description: Application size fee for each additional group of 50 sheets beyond initial 100 sheets (count spec & drawings except sequences & program listings):
Code	(\$)	Code	(\$)	
1081	250	2081	125	Utility
1082	250	2082	125	Design
1083	250	2083	125	Plant
1084	250	2084	125	Reissue
SUBTOTAL (3) \$ 0.00				

FEE CALCULATION (continued)4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

<u>Large Entity</u>	<u>Small Entity</u>	<u>Fee Description</u>	<u>Fees Paid (\$)</u>
Fee Code	Fee (\$)	Fee Code (\$)	
1051	130	2051	65 Surcharge - late filing fee or oath
1052	50	2052	25 Surcharge - late provisional filing fee or cover sheet
1053	130	1053	130 Non-English specification
1812	2,520	1812	2,520 For filing a request for ex parte reexamination
1813	8,800	1813	8,800 Request for inter parties reexamination
1804	920*	1804	920* Requesting publication of SIR prior to Examiner action
1805	1,840*	1805	1,840* Requesting publication of SIR after Examiner action
1251	120	2251	60 Extension for reply within first month
1252	450	2252	225 Extension for reply within second month
1253	1,020	2253	510 Extension for reply within third month
1254	1,590	2254	795 Extension for reply within fourth month
1255	2,160	2255	1,080 Extension for reply within fifth month
1401	500	2401	250 Notice of Appeal
1402	500	2402	250 Filing a brief in support of an appeal
1403	1,000	2403	500 Request for oral hearing
1451	1,510	1451	1,510 Petition to institute a public use proceeding
1452	500	2452	250 Petition to revive - unavoidable
1453	1,500	2453	750 Petition to revive - unintentional
1501	1,400	2501	700 Utility issue fee (or reissue)
1502	800	2502	400 Design issue fee
1503	1100	2503	550 Plant issue fee
1462	400	1462	400 Petitions to the Commissioner (CFR 1.17(f) Group I)
1463	200	1463	200 Petitions to the Commissioner (CFR 1.17(g) Group II)
1464	130	1464	130 Petitions to the Commissioner (CFR 1.17(h) Group III)
1807	50	1807	50 Processing fee under 37 CFR 1.17(q)
1806	180	1806	180 Submission of Information Disclosure Stmt
8021	40	8021	40 Recording each patent assignment per property (times number of properties)
1809	790	2809	395 For filing a submission after final rejection (see 37 CFR 1.129(a))
1814	130	2814	65 Statutory Disclaimer
1810	790	2810	395 For each additional invention to be examined (see 37 CFR 1.129(b))
1801	790	2801	395 Request for Continued Examination (RCE)
1802	900	1802	900 Request for expedited examination of a design application
1504	300	1504	300 Publication fee for early, voluntary, or normal pub.
1505	300	1505	300 Publication fee for republication
1803	130	1803	130 Request for voluntary publication or republication
1808	130	1808	130 Processing fee under 37 CFR 1.17(i) (except provisionals)
1454	1,370	1454	1,370 Acceptance of unintentionally delayed claim for priority

Other fee (specify) _____

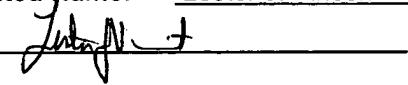
Other fee (specify) _____

SUBTOTAL (4) \$ 1,020.00

*Reduced by Basic Filing Fee Paid

SUBMITTED BY:

Typed or Printed Name: Lester J. Vincent

Signature: 

Date: December 27, 2005

Reg. Number: 31,460

Telephone Number: 408-720-8300

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450